

REMARKS

This Amendment is filed in response to the final Office Action dated September 12, 2008, and is respectfully submitted to be fully responsive to the rejections raised therein. Accordingly, favorable reconsideration on the merits and allowance are respectfully requested.

In the present Amendment, claims 1 and 35 have been amended by deleting the phrase "which may be substituted" in the definition of for R^{T1}.

Claims 1 and 35 have been amended by incorporating definitions for ring A, ring B and R^D.

Claim 1 has been amended by incorporating the subject matter recited in claim 7.

Claims 33 has been amended by incorporating the definitions of A¹ and B¹.

Claims 7-13, 20, 21, 36-43 and 46-49 have been canceled.

Claims 2-6, 14-19, 22-24, 30, 31 and 45 were canceled previously.

No new matter has been added. Support for the amendments can be found in the specification, e.g., on pages 11, lines 1-16, page 12, line 34, and page 13, lines 1-10 and in the Examples on pages 31-68. With respect to the constituent groups, support for the amendment can be found in the specification, e.g., in Groups I - IV on pages 13-14.

Claims 34 and 44 are withdrawn.

Entry of the Amendment is respectfully submitted to be proper as the prior art rejections were overcome by the previous amendment and the above current amendments are made to address section 112 rejections. Thus no new search is required. Upon entry of the Amendment, claims 1, 25-29, 32-35 and 44 will be all the claims pending in the application.

I. Response to Claim Objections

The Examiner advises Applicants that should claim 35, directed to a composition, be found allowable, claims 36-43 and 47-49 will be objected to under 37 C.F.R. § 1.75 as assertedly being a substantial duplicate thereof.

Applicants respectfully submit that claims 36-43 and 47-49 have been canceled without prejudice.

II. Response to Rejection Under 35 U.S.C. § 112, 1st Paragraph

Claims 1, 7-13, 20, 21, 25-29, 32, 33, 35-43 and 46-49 are rejected under 35 U.S.C. § 112, first paragraph, because according to the Examiner, the specification, while being enabling for 2,3-disubstituted pyrazine rings, where the 2-position is attached to an oxygen and optionally a linker of atoms with a ring, and the 3-position is attached to an aminosulfonyl group attached directly to an optionally substituted thieryl or phenyl group, does not reasonably provide enablement for all other compounds not previously mentioned.

Applicants traverse in view of the amendments to the claims and in further view of the following remarks.

As an initial matter, claims 7-13, 20, 21, 36-43 and 46-49 have been canceled. Claims 1 and 35 have been amended by incorporating definitions for ring A and ring B and claim 33 has been amended by incorporating definitions for ring A1 and B1. Ring A and A¹ in claims 1, 33 and 35, as amended, may represent a benzene ring, a naphthalene ring, a pyridine ring, a pyrazole ring, a dioxaindane ring, a benzodioxane ring, a cyclopropane ring, a cyclopentane ring,

a furan ring, a thiophene ring, a tetrahydrofuran ring, a piperidine ring or a morpholine ring. Ring B and B¹ in claims 1, 33 and 35, as amended, may represent a benzene ring, a pyridine ring, a thiophene ring, a naphthalene ring, a pyrrole ring, a pyrazole ring, an isoxazole ring, a thiazole ring, a benzothiophene ring, an imidazole ring or a furan ring.

Applicants respectfully submit that the scope of the claims, as amended, are enabled in view of the teachings of the specification and the Examples provided therein. Furthermore, the presently claimed compound of Formula (I) has a definite core, the core being the mono- or bicyclic- pyrazine ring wherein J and G represent -O- and aminosulfonyl linkers, respectively. Additionally, the Examiner concedes that the specification is enabling for the above-mentioned subgenus. Thus, the method of making the subgenus compounds as recited in the claim 1, as amended would not be *undue* (e.g., starting materials used and reaction conditions). Additionally, the specification teaches the method of using the subgenus compounds, because the specification teaches how to evaluate the activity of the compounds of Formula (I) with respect to their CCR4 antagonistic activity and inhibitory activity for effector cell functions and TNF α -regulating activity.

Claims 25-29 and 32 depend from claim 1 and are therefore patentable for at least the reasons mentioned with respect to claim 1. In view of the amendment to the claims, Applicants respectfully request that the rejection be withdrawn.

III. Response to Rejection Under 35 U.S.C. § 112, 2nd paragraph

Claims 36-43 and 46-49 are rejected under 35 U.S.C. § 112, second paragraph, as assertedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully submit that claims 36-43 and 47-49 have been canceled without prejudice. Withdrawal of the rejection is respectfully requested.

IV. Provisional Double Patenting Rejection

Claims 1, 2, 4-33, 35-43 and 46-49 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-28 and 30 of U.S. Patent Publication Application No. 2007/02548886.

Applicants respectfully request that the rejection be held in abeyance until allowable subject matter has been indicated.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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